

The copy filmed here has been reproduced thanks to the generosity of:

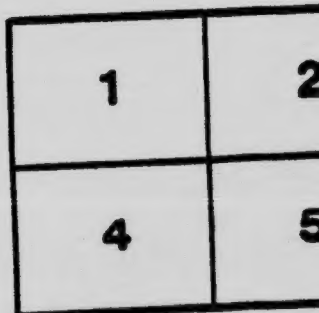
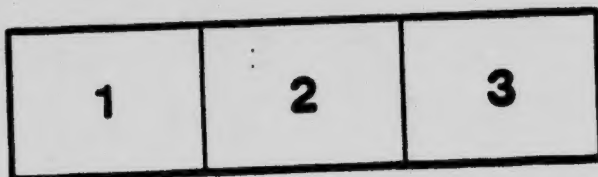
National Library of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol $\longrightarrow$ (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la
générosité de:

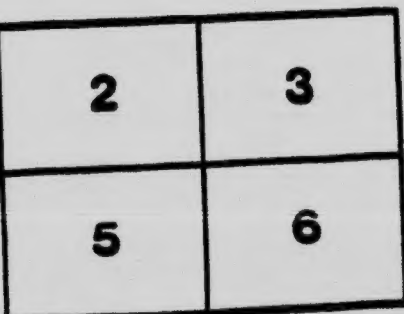
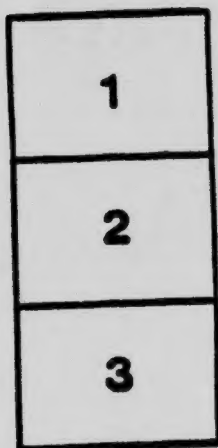
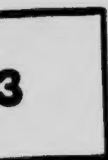
Bibliothèque nationale du Canada

Les images suivantes ont été reproduites avec le
plus grand soin, compte tenu de la condition et
de la netteté de l'exemplaire filmé, et en
conformité avec les conditions du contrat de
filmage.

Les exemplaires originaux dont la couverture en
papier est imprimée sont filmés en commençant
par le premier plat et en terminant soit par la
dernière page qui comporte une empreinte
d'impression ou d'illustration, soit par le second
plat, selon le cas. Tous les autres exemplaires
originaux sont filmés en commençant par la
première page qui comporte une empreinte
d'impression ou d'illustration et en terminant par
la dernière page qui comporte une telle
empreinte.

Un des symboles suivants apparaîtra sur la
dernière image de chaque microfiche, selon le
cas: le symbole $\rightarrow$ signifie "A SUIVRE", le
symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être
filmés à des taux de réduction différents.
Lorsque le document est trop grand pour être
reproduit en un seul cliché, il est filmé à partir
de l'angle supérieur gauche, de gauche à droite,
et de haut en bas, en prenant le nombre
d'images nécessaire. Les diagrammes suivants
illustrent la méthode.



AMTMANN I; 165

**INTERNATIONAL "JOINTS"
COMMISSION**

PROCEEDINGS

PRIVATELY PRINTED

1916

FL250

I6

B88

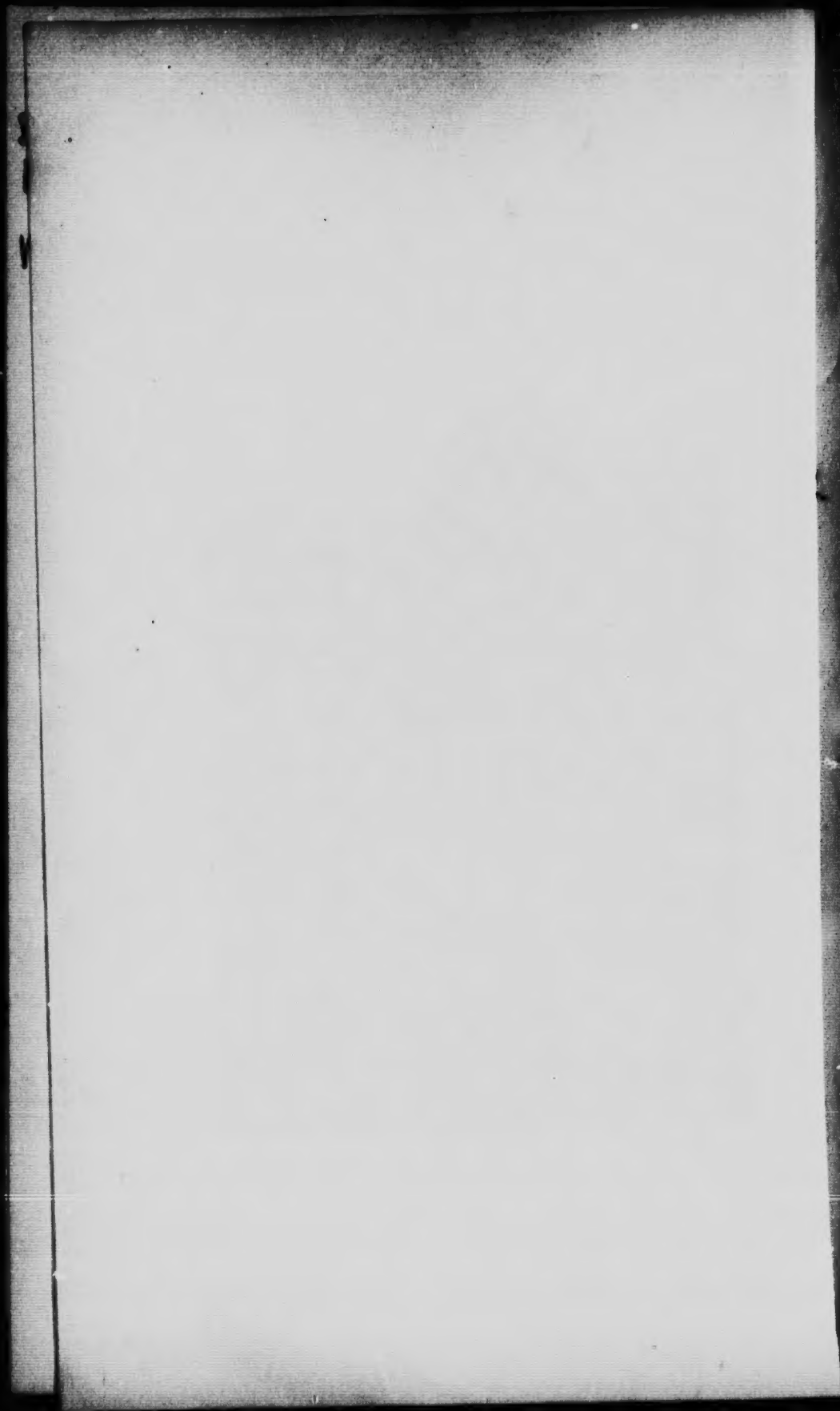
1916

p***

09601682



The Native Lady who was behind the conspiracy to
wreck the *Tootles*



The following dispatches to the *Rainey River Herald* are presented by way of introduction to the Report of the INTERNATIONAL "JOINTS" COMMISSION upon the wreck of the *S. S. Tootles*:

RAINY RIVER HERALD

SPECIAL FROM WARROAD

September 7th, 1915. Much interest was shown at the hearing of the International Joints Commission begun here today. Congressman Steenerson's glowing description of the sand beaches along the South shore of the Lake of the Woods was very fine. A very sharp tilt took place between Dr. Parker of Warroad and Commissioner Powell, in which the latter's knowledge of bugs and his marvelous arithmetical rapidity in computing millions of bacterial count per centimetre brought great confusion to the doctor. The Commission will conclude tomorrow and then on to a session at International Falls.

TELEGRAM FROM INTERNATIONAL FALLS

September 11th, 1916. The Lake of the Woods hearing was closed here this morning. The Commission left this afternoon accompanied by their

63438

INTERNATIONAL "JOINTS" COMMISSION

staff and a large company of lawyers and engineers. They are proceeding down the river on board the *S. S. Tootles*; will arrive at Rainy River early this evening and take steamer to Kenora tomorrow. The following is the passenger list:

Commissioners Gardiner, Tawney, Magrath, Powell and Mignault.

Secretaries Burpee and Klutz.

Engineers White, Meyer, Stairs and

Stenographers Reik and Johnson.

Lawyers Wyvell, Rockwood, Campbell and Birkman.

8 p. m. A telegram has just been received that the *Tootles* was wrecked at 7 p. m. at Rocky Point on the American shore just above Manitou Rapids—no particulars as to casualties.

10 p. m. No further word from the *Tootles*. Great and increasing anxiety. It is learned from Emo that a man named White, one of the survivors, accompanied by an Indian, arrived there by canoe, and is trying to secure assistance to remove the passengers from their dangerous position and in the meantime to send them supplies. It seems that the *Tootles* carried no grub or other refreshments. White has given a very incoherent and excited account of the wreck. No accurate particulars can be obtained.

INTERNATIONAL "JOINTS" COMMISSION

SPECIAL FROM WARROAD
TELEGRAM FROM INTERNATIONAL FALLS
SPECIAL TO THE "HERALD," EMO, 11:00 P. M.

It is beginning to rain and great anxiety is felt here. Some of the passengers are old and infirm.

SPECIAL FROM WINNIPEG, MIDNIGHT

News of the total loss of the *Tootles* with all her passengers and crew was received here some hours ago. It has caused no excitement. The name of only one Winnipeg man appears in the list of passengers and he is quite an obscure person. The loss of the Commission is not regretted. We have several men ready to take their places.

SPECIAL FROM EMO, 2:00 A. M.

It is ascertained that the man White and the Indian were accompanied by a young engineer named Stairs. This gentleman has given the first intelligible report of the wreck yet given out. It would now appear that there are hopes of saving all the passengers.

SPECIAL FROM EMO, 4:00 A. M.

The whole of the *Tootles'* crew and passengers are safe.

INTERNATIONAL "JOINTS" COMMISSION

INTERNATIONAL "JOINTS"
COMMISSION

CANADA;

Chief Na-May-Pock,
Chairman

"Bench-mark" Kennedy
E. Welcome Backus

UNITED STATES:

Dr. Ebenezer Parker,
Chairman

"Low-water" Marschalk
Zechariah Zippel

REPORT OF INVESTIGATION INTO THE ALLEGED
CONSPIRACY IN CONNECTION WITH THE WRECK
OF THE S. S. TOOTLES.

The investigation was opened in Hungry Hall in the Town of Rainy River, on Friday, the 31st day of September, 1915, at 6:30 o'clock A. M., all the members being present, Chief Na-May-Pock presiding. Owing to adverse conditions of space and atmosphere, the meeting was adjourned to a convenient meadow on the banks of the Rainy River. At the courteous request of Chief Na-May-Pock, who pleaded an insufficient familiarity with the idioms of the English language, Dr. Ebenezer Parker took the Chair.

THE CHAIRMAN: Gentlemen, it gives me peculiar pleasure to preside on this auspicious occasion. No one could be more exquisitely alive



Chief Na-May-Pock, Chairman of the Commission

INTERNATIONAL "JOINTS" COMMISSION

to the gravity of the investigation with which my honourable colleagues and myself have been charged by our respective governments. You are all aware of the startling calamity of the early days of this month, which resulted in the wrecking on the banks of this historic stream of the palatial steamer *Tootles*. Certain aspects of that disastrous circumstance, however, have remained up to the present wrapped in impenetrable mystery. It is the object of this investigation, and the solemn duty of this august body (ahem!) to tear away the veil of obscurity and expose the naked details of the tragedy.

It would be premature to suggest the lines which this enquiry should take, or the variety of interests involved. Let it be sufficient to point out that the question is an international one, and that no bounds may therefore be placed upon its ramifications. The Commission is conscious, supremely conscious, of the burden of responsibility resting upon its collective shoulders, and determined to leave no stone unturned under which may be hidden a clue to this mysterious occurrence. Whatever the inconvenience to itself, whatever the cost to the two Governments, it is determined to sit here at all hazards until every knot in this tangle has been untied; until every germ has been tracked to its lair in the polluted waters of the Rainy and compelled to

INTERNATIONAL "JOINTS" COMMISSION

give up its guilty secret; until the accumulated weight of meteorological, bacteriological, hydrological, agronomical and piscatorial data has beaten down the defences of this monstrous secret and forced it to an unconditional surrender.

With these few simple remarks, I will ask the Secretaries to read the official Reference.

The Secretaries thereupon read jointly the following:

Sirs: I have the honour to inform you that at the joint request of the Governments of the United States and of the Dominion of Canada, under the provisions of Article X of the Treaty of January 11th, 1909, between the United States and Great Britain, and without the consent of any body or bodey, the questions or matters of difference set forth below which have arisen between them involving the rights, obligations, or interests of each in relation to the other, or to the inhabitants of the other, along a minute portion of their common frontier, are hereby referred to the International "Joins" Commission for final adjudication.

The questions so referred are as follows:

1. What, if any, were the causes of the wreck of the Steamship *Tootles*, alleged to have occurred early in the month of September, 1915, on a sunken reef near the left



HUNGRY HALL, RAINEY RIVER

INTERNATIONAL "JOINTS" COMMISSION

or American bank of the Rainy River, immediately above the so-called Manitou Rapids.

2. If it is found that there is or was a steamship named the *Tootles*, that there is or was a sunken reef near the left or American bank of the Rainy River immediately above the so-called Manitou Rapids, and that the before-mentioned steamship did actually become wrecked, foundered, lost or mislaid, and that there were contributory or other causes leading up to or accompanying the said catastrophe, who are the parties responsible therefor, and in what manner and to what extent shall their misdeeds be brought home to them and suitably and appropriately recognized under the principles of International Law.

THE CHAIRMAN: You have heard the terms of the Reference, and you will I am sure agree with me that it presents one of the most important and delicate issues ever submitted to an International Judicial Tribunal. We are required to find and identify a certain steamship named the *Tootles*, if such a vessel in fact exists. We are also charged with the duty of finding, if possible, a certain alleged sunken reef; and of showing the connection, if any, between the said vessel and the said reef. We must ascertain if there were any, and

INTERNATIONAL "JOINTS" COMMISSION

if so what, causes to which the alleged wreck might be attributed; and finally we are to determine who, if any, were the parties behind the causes; what were their motives, if they had any; and how and to what extent their motives and acts may be adequately and impartially recompensed. I may say that the members of the Commission have made a preliminary examination of the *locus in quo*, and are now prepared to hear the testimony of all interested parties. I will first of all call for the appearances.

Thereupon the following appearances were entered:

Hon. Hellfor Steenerson, representing the Rainy River High Water Association.

Hon. Frank S. Streeter, representing the Lords Day Alliance of Baudette.

Frank H. Keefer, K. C., representing the International Fishermen's Protective Association.

Manton M. Wyvell, representing the Caviar Trust.

Sir Isaac Campbell, K. C. M. G., representing the Department of Indian Affairs.

Major C. S. MacInnes, ex-K. C., representing the Rainy River Sanitary Survey.

C. J. Rockwood, representing the I. W. W.

S. H. Y. Berkman, representing Himself.

Arthur V. White, D. Sc., Lecturer on Water Marks.

INTERNATIONAL "OINTS" COMMISSION

Adolph F. Meyer, Ph. D., Professor of Lichenology.

THE CHAIRMAN: I learn from my colleague, Chief Na-May-Pock, that one of the principal witnesses, Mr. Tango-Hoopla, of the Rainy River Chippewa Reserve, has a pressing engagement of a domestic nature. We will therefore call Mr. Tango-Hoopla as the first witness. The Secretaries will call in the Official Interpreter.

The witness being duly sworn,

CHIEF NA-MAY-POCK: Tahw evah uoy ot yas sa ot eht tcejbus rettam fo siht noitagitsevni?

THE CHAIRMAN: Pardon me, Chief, but might it not be better to have both questions and answers put into English, for the benefit of those who are not altogether familiar with Chippewa?

CHIEF NA-MAY-POCK: Long before the White Man polluted this land of the Western Sun the tongue of the Red Man was heard around the Council Fire. Nevertheless, let the Interpreter speak.

The Interpreter thereupon put to the witness the question as to what knowledge he had of the matter under investigation, and translated the following statement:

TANGO-HOOPLA: One night my friend Man-with-the-Wooden-Smile and I go fishing in the Manitou. We have no luck, only seven pike.

INTERNATIONAL "JOINTS" COMMISSION

We are paddle back to the Reserve when we hear White Man's yell over the water. Knowing the White Man's ways, we think only one big spree. Then they say "Hel-lup! Hel-lup!" So we paddle over to see what they got. There's a boat on the rocks, filled with White Men, old chiefs and young braves, so many they swamp the boat. They say, "Take us ashore and we give you much money, we make you rich mens." We say "All right." So we put them on shore, all but two or three foolish ones, they say "We stay with the ship." So the boat she swing round to the rapid; then she swing in shore and strike a big rock; the screw snap and go to the bottom; and those foolish ones jump on shore with the others. We wait around for much money, but the white chiefs don't seem have no money. They say, "you take our 'man Wite to Emo for get hel-lup, and we give you money." So we start for Emo. Then they call us back. They say, "you got fish? Give us fish and we give you some money." So we hold fish in one hand till we get money in the other. Then we paddle up to Emo. We leave the white messenger there, and come back to watch the mad White Men. They build heap big fire, foolish man's fire. One puts the fish in the fire; another pulls it out and yell "Damn!" Some eat the fish. (Exhibit C.) One old Chief, they call him "Taw-Nee," send young brave to



The seven little fishes which the wrecked mariners consumed.

INTERNATIONAL "JOINTS" COMMISSION

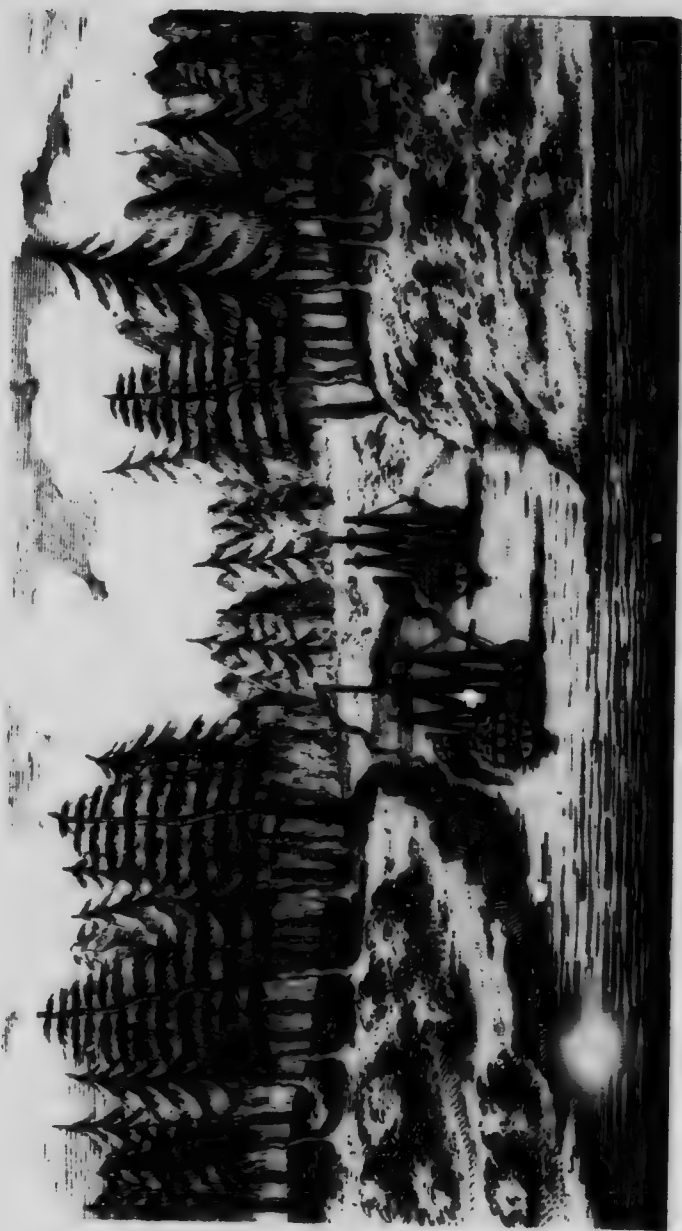
the boat to get fire-water. Young brave don't get any fire-water. Big Chief say not good for young man, so drink all himself. (Exhibit E.) Then Chief Taw-Nee lead dance round camp-fire, and sing queer songs, "Hole-in-bottumela-sea" and "Wont-be-homel-morling" and something about "Lidapinkum." (Exhibit B.) Other big chiefs wont sing, only young braves join in chorus. Other chiefs sit on logs and look glum. One Very Big Chief go off and sit by himself in boat and say nothing. Byum bye it get very late, and White Men get very tired. They say "Damn this River!" and go sleep on pile of logs. Some smoke pipe. Others have no pipe, so can't smoke. Long about midnight, one old chief say, "Whereinell's Wite?" No one seem know where is Wite. So it get later and later, and no boat come from Emo. Man-With-Wooden-Smile and me hide in bushes and chuckle. After while train come long on other shore. One Chief say, "There goes the Governor!" Taw-Nee only grunt. He too tired care 'bout Governor. Chief name Sedor wake up an' say, "Gov'nor wise guy," then go sleep again. Nother Chief roll off logs and say, "Dam' that man Wite!" Then he find soft spot on logs and begin snore. Little brave man Kluss (Exhibit T) say meekly, "Wite only gone six hours." Taw-Nee don't speak, only grunt "Ell!" Big chief name Po-ell sleep

INTERNATIONAL "JOINTS" COMMISSION

on end of logs. Presently he talk in sleep. He say, "How many Bekoly you find ten thousand cubic sumtometers water?" then he chuckle.

THE CHAIRMAN: What's that he says? Let the witness repeat that last statement. I'll bring an action for criminal libel against that man. (Exhibit I.)

TANGO-HOOPLA, resuming testimony: "Bout half-past two some one shout, "There's a light up the river!" Chiefs climb on rocks and yell. Man in boat other side river shout, "Can't get over. Might get in rapids." One chief say, "Come up here." 'Nother say, "Go down there." Boat man don't know what do. He creep over and come to camp. There's big rescue fleet from Emo, one little boat, one bigger boat have only one blade on screw, an' one scow. Little boat take chiefs and young men over river to big boat. Some chiefs find crackers an' cheese on boat an' eat um all before other chiefs get 'cross river; then say, "All right, we go walk Emo, let other chiefs go up river comfor'able in boat. We no crowd them. We good men, we walk." Boat man he wink his eye, and he say, "O, yes, you walk easy. On'y short walk Emo. You go up shore, nice an' dry. You go little way up shore, then you turn to lef' and you find railway, then you at Emo." Chiefs start off with lantern, think have good time. Me and Man-With-



The Rescue Ships from the Canadian shore. Please note the British Flags.

INTERNATIONAL "JOINTS" COMMISSION

Wooden-Smile follow on trail. One chief lead. Presently he go in swamp and say, "Darn'." Then another chief lead. He think he come to place where turn for left, and he say, "Follow me." So they follow round in circle, and come back to shore. So they walk through swamp on shore for two-t'ree mile, then Great Big Chief he say, "Come with me. I know way." He turn to left, and lead in to bush swamp. (Exhibit Q.) Then he come back, and other chiefs sadly behind him. B'out six mile more they hear engine and see lights Emo long way off. They ask man where is track, and he have pity and show where. They walk 'long track two-t'ree mile and reach Emo 'bout half-past three. They make very sad procession down street to Emo hotel, but face shine w'en see fine meal Wite have for them. Then other chiefs come up river on boat, and eat so much poor hotel man have noting left for family. Man-With-Wooden-Smile and me we go fin' Wite and make him give us much money for rescue big Chiefs. Wite he too tired say much, on'y he make Man-With-Wooden-Smile put name on t'ree-four piece paper say he have got money from Wite. Dat man Wite ver' careful chief. Then all chiefs and young men go up station, and 'bout four o'clock take train Baudette. Dat bad place Baudette. White chiefs get stung there. Man-With-Wood-

INTERNATIONAL "JOINTS" COMMISSION

en-Smile and me we go back Reserve, an' catch more fish." (Exhibit S.) This ended the testimony of Tango-Hoopla, who filed Exhibit D.

THE CHAIRMAN: That is a very important statement, Mr. Tango-Hoopla. On the face of it it may not appear to have much bearing on the subject-matter of the investigation, but if we read between the lines we will discover some very valuable clues. One sees signs of a conspiracy on the part of some of these men who camped so mysteriously on the banks of the Rainy River from seven o'clock on Saturday night until three o'clock Sunday morning. There must have been some sinister motive behind such extraordinary conduct. I do not wish to commit myself or my colleagues to a definite opinion at this early stage of the investigation, but I have my suspicions. There is a peculiar vindictiveness in the unwitting remark of the man Powell that furnishes an invaluable clue to much that might otherwise seem mysterious. However, we will go on with the testimony.

JAMES A. TAWNEY called and sworn.

THE CHAIRMAN: What is your occupation, Mr. Tawney?

MR. TAWNEY: My favorite occupation, your honour?

THE CHAIRMAN: How many have you?

MR. TAWNEY: Oh, several. I'm a sort of a

INTERNATIONAL "JOINTS" COMMISSION

Commissioner. I'm a pretty good Chairman, too, when I get a chance. I've known men, though, that were so damned unreasonable they wouldn't let me preside when they were in the chair. What do you know about that? Also I'm an ex-Congressman.

MR. STEENERSON: He means he's a Lame Duck.

MR. TAWNEY: Another thing, I can tell a pretty good story. Did you ever hear that Gettysburg story? It was this way. When I was a boy . . .

THE CHAIRMAN: Excuse me, Mr. Tawney, but I don't quite see the relevancy of your Gettysburg story. Has it any direct bearing on this investigation?

MR. TAWNEY: Well, not a direct bearing.

CHIEF NA-MAY-POCK: Tuo ti tuc!

MR. ZIPPEL: I don't quite follow my colleague's remarks, but, Mein Gott, I quite agree with him.

MR. KEEFER: I am here to agree to whatever your Lordships may decide. My only desire is to facilitate in every conceivable way the extremely important investigation with which you have been charged. At the same time, my duty to my clients compels me to offer, with every possible respect, the suggestion that the Gettysburg story be canned.

INTERNATIONAL "JOINTS" COMMISSION

MAJOR MACINNES: I cannot quite agree with my learned friend. His motion is no doubt quite consistent with his duty to the International Fishermen's Protective Association; but he must remember that there are other interests represented at this hearing. I will offer in amendment a motion that the Gettysburg story be subjected to a bacteriological examination before any other action is taken upon it.

THE CHAIRMAN: After consultation with my colleagues, it is the decision of the Commission that the Gettysburg story be dictated to the Official Stenographer after the close of the present session, and filed as Exhibit A.

Now, Mr. Tawney, certain statements have been made to the Commission by the previous witness, Mr. Tango-Hoopla. What have you to say as to those statements?

MR. TAWNEY: Have I the protection of the Court, if I speak frankly?

THE CHAIRMAN: Yes, sir, within reasonable limits.

MR. TAWNEY: What do you mean by "reasonable"?

THE CHAIRMAN: The Commission will have to be the judge as to that.

MR. TAWNEY: To put it bluntly, can you keep the Chairman of the Canadian Section in his seat?

INTERNATIONAL "JOINTS" COMMISSION

CHIEF NA-MAY-POCK: Naem eh seod tahw? Yaw yna, eh si ohw? Placs mih! Dias evah!! (Exhibit R.)

MR. MARSCHALK: Calm yourself, my dear Chief. Put it in German, if you have to swear.

MR. STREETER: With all respect, your honours, he must not swear, either in Chippewa or German. The Lord's Day Alliance instructs me to withstand any attempt at profanity.

SIR ISAAC CAMPBELL: I do not think my Department would have any serious objection to the Chief swearing in Chippewa; but I think your Lordship will agree with me that to swear in German would be a distinct breach of neutrality.

THE CHAIRMAN: Proceed, Mr. Tawney.

MR. TAWNEY: This man Tango-Hoopla is a notorious character. He's a—well, out of respect for the Chief I'll not say exactly what I think he is. But you can see for yourself he's a Bull Mooser. Who but a Bull Moose would come sneaking around an innocent camp-fire, trying to make capital out of the gentle perslifage, I mean persiflage, of a crowd of hungry, and thirsty, shipwrecked commissioners. He complains that he was not paid for his services. Good Lord, he was overpaid. Every one paid him. He should have been kicked into the Rainy River. As to what he said about that bottle, it was the very best Bourbon, and there wasn't enough left in

INTERNATIONAL "JOINTS" COMMISSION

the bottle for one able-bodied man, let alone the half dozen who had a pull at it. You cannot believe a word that the man said. He's a follower of T. R., I tell you. Need I say more?

THE CHAIRMAN: Have any of you gentlemen any further questions to ask of this witness? He may know something about the plot that led up to the wreck of the *Tootles*, but I doubt if we could get it out of him without resorting to the Third Degree, and I am sorry to say the Commission lacks authority.

MR. STEENERSON: Your Honour, I wish to call H. A. Powell.

THE CHAIRMAN: Call the witness Powell.

(Witness sworn, while Chairman glares at him.)

THE CHAIRMAN (sternly): I believe we have met before, Mr. Powell.

MR. POWELL (with an air of virginal innocence): Have we, Doctor?

THE CHAIRMAN: Now, sir, none of that. No prevarication and no nonsense. Remember that you are under oath. I expect you at least to make an effort to be frank. (Indistinct sounds from witness.)

THE CHAIRMAN: What's that you say? I warn you, sir, that under Rule XCIX of the Procedure of this Commission, all muttered evidence is subject to any interpretation the Court

INTERNATIONAL "JOINTS" COMMISSION

may choose to put upon it. You will be well advised, sir, if you decide to adopt a more respectful, not to say humble, attitude toward this tribunal. Your actions in connection with the execrable plot to destroy the *Tootles* are not entirely above suspicion; and this Court has not forgotten the sinister significance of your attempt to discredit the testimony of a reputable citizen of Warroad; a citizen, sir, whom—whom—

(Voice from the background): All Bacteria delight to honour.

THE CHAIRMAN: Arrest that man Mignault for contempt of Court. (To witness): No, sir, this Tribunal will be just to you—that is to say, just within reasonable limits; but it will not be lenient—no, I am inclined to think you could not properly describe its attitude as lenient. Now, sir, in this matter of the wreck of the *Tootles*—

MR. STEENERSON: I protest, your Honour. This is my witness, and I claim the right to examine him.

THE CHAIRMAN: Put your motion in writing, Mr. Steenerson, and the Commission will take it under advisement, at a convenient opportunity.

MR. STEENERSON (spluttering): This is an outrage! Gentlemen, I have sat in Congress for many years, but I have never known such a callous abuse of the privileges of the Chair (even by

INTERNATIONAL "JOINTS" COMMISSION

Uncle Joe). I repeat, this is my witness, MY WITNESS, and I will not submit to his being torn out of my hands in this fashion.

THE CHAIRMAN: Gently, gently, my good friend Steenerson! All in good time. Warroad was not made in a day. This is not the only pebble on your sand beach. Be calm, sir, be calm! Cultivate that excellent virtue, patience. Remember that I leave you the witness Mignault to play with. Believe me, this witness Powell is not your witness. He is all mine. You just sit down quietly and watch your uncle Ebenezer put the famous sanitary professor H. A. Powell through his paces. Then if there is any of this witness left, you may interrogate the fragments till the cows come home.

(Mr. Steenerson subsides gradually, with muttered comments, which the Reporter is instructed by the Chair not to spread upon the record.)

THE CHAIRMAN: Now, Mr. Powell, what have you to say as to the wreck of the steamship *Tootles*?

MR. POWELL: You remind me, sir, of a rather good story about the late Chief Justice of New Brunswick, Sir Timothy Tootles; but I am afraid it is rather too hot for the record. It was this way. You see, old Tootles was rather noted for—

INTERNATIONAL "JOINTS" COMMISSION

THE CHAIRMAN: That will do, Mr. Powell. Do not think that you can drag a New Brunswick herring over my trail in this fashion. This Court is not interested in the salacious stories of your Blue Nose Bench. Stick to the point, sir, stick to the point. To what do you attribute the alleged loss of the steamship *Tootles*?

MR. POWELL: Well, sir, to put it succinctly, I am somewhat inclined to the view that the suppositious wreck of the so-called steamship *Tootles*, somewhere in the neighbourhood of the Rainy River, or to be strictly accurate, within the Lake of the Woods drainage basin, is a matter as to which, while there may be certain circumstances leading to more or less dubious, or one might say questionable, conclusions, such as the presence of barnacles on her keel, as to which there is said to be an affidavit filed in the State Department at Washington (Exhibit M), still, looking at the matter from a strictly impartial and judicial standpoint, and taking into consideration the tonnage of the ship, the pressure on her boilers, the condition of her air-tight compartments, her serious list to port, the mental state of the pilot, the physical condition of the crew, the peculiar meteorological phenomena mentioned in the before-mentioned affidavit, the stage of water in the river, the agitating effect of a well-

INTERNATIONAL "JOINTS" COMMISSION

defined high water mark on some of the passengers, and the presence of B. Coli——

THE CHAIRMAN: Let me interrupt you there, Mr. Powell. You have raised an extremely interesting point. There has been a strong suspicion in my mind that this man B. Coli had something to do with the plot. Now, let's get down to tacks. What do you know about the man Coli?

MR. POWELL: The man who?

THE CHAIRMAN: Let me warn you once more, Mr. Powell, that you are here under oath, and also under suspicion. Be careful how you trifle with me. Where did you first meet Benjamin Coli?

MR. POWELL: I don't know what you mean.

THE CHAIRMAN: Oh, yes, you do. Answer me frankly. Am I not correct in stating that Coli has been associated with you in some of your very questionable operations around the Great Lakes?

MR. POWELL: I deny it absolutely.

THE CHAIRMAN: You have the effrontery to deny it, sir. Will you tell me next that you have never heard of that colossal humbug the mysterious C. C.?

MR. POWELL: Do you mean Cubic Centimeter?

THE CHAIRMAN: Ah, now we are getting



Shooting the Manitou Rapids at the head of which the *S. S. Toolles* was wrecked.



INTERNATIONAL "JOINTS" COMMISSION

something out of you. Kindly repeat that name; see that the Reporter gets it correctly. This is extremely important. You admit, sir, that you know this man; and yet you have the assurance to profess ignorance of his guilty associate B. Coli. Do you dare to tell this Commission that you did not, in the year 1914, meet these two notorious characters at a certain point on the Detroit River, and about the same period, at a rendezvous on the Niagara River? Be careful, sir; remember once more that you are under oath.

MR. POWELL: You must have tried to read the "Progress Report in the Pollution Investigation."

THE CHAIRMAN: Never mind what I have been reading. Perhaps I am familiar with that classic document, and perhaps I am not. What do you mean, sir, by "tried to read"? Do you dare to suggest that anything contained in that or any other report would be beyond my comprehension? I would have you know that I am a reputable practitioner. There is not a case of Typhus in the Warroad district for a generation past that I am not perfectly familiar with. Why, sir, I have isolated a Typhus under conditions—but let that pass. Go on with your evidence. What have these men B. Coli and C. Centimeter to do with the—what do you call it—"Progressive Pollution Report"?

INTERNATIONAL "JOINTS" COMMISSION

MR. POWELL: It is somewhat difficult to answer your question in its present form. What you mean is——

THE CHAIRMAN: How dare you suggest to me that I do not know what I mean. I am free to say, sir, that you are a most unsatisfactory witness. You shall hear from me again. Mr. Steenerson, you may take this witness.

MR. STEENERSON: What have you to say, Mr. Powell, as to the effect of the wreck of the *Tootles*, the wave action set up by the frantic efforts of the crew to extricate the vessel from the clutch of the Manitou, upon the valuable sand beaches of the Rainy River? (Exhibit L.)

MR. POWELL: I don't quite follow you. You mean——

MR. STEENERSON: Oh, well, let that pass. You are of course aware that one of the most valuable assets of the Rainy River as a tourist resort is the existence and preservation of its splendid sand beaches on the American shore immediately above the Manitou Rapids. Now, don't interrupt me. I take it for granted that you at least admit the existence of these magnificent beaches. Well, then, if, as I am firmly convinced, and can prove to the satisfaction of the Court if sufficient time is given me, these extensive beaches have been practically destroyed by and through the wreck of the *Tootles*, have in

INTERNATIONAL "JOINTS" COMMISSION

fact been undermined and washed away by wave action set up by the propeller of that steamer, you will of course admit that the people of my Congressional District have a right to demand that either these beaches be restored to them, or that ample compensation be furnished. I have no further question to put to this witness.

MR. KENNEDY: Mr. Powell, I should like to have your opinion, as an expert, on the effect of lichen growths (Exhibit P) on the hull of the *Tootles*, in bringing about this regrettable catastrophe. Would you or would you not say that these growths, so clearly defined immediately above the high water mark on the hull of the *Tootles* (Exhibit J), were a material factor in so lowering the draft of the ship that at the psychological moment she came to grief on this alleged reef not far from the American shore and immediately above the Manitou Rapids? I hope I have made myself clear. (Exhibit N.) (The witness having fainted, was carried to the Rainy River Hotel, where restoratives in the shape of whiskey and red pepper were administered with gratifying results.)

R. P. GLENN called and sworn.

THE CHAIRMAN: What is your occupation, Mr. Glenn, your familiar avocation?

MR. GLENN: I am a Temperance Lecturer,

INTERNATIONAL "JOINTS" COMMISSION

Your Honour. Formerly I was Governor of North Carolina.

(Sensation in the Court.)

THE CHAIRMAN: I do not think I could have caught the first part of your answer, Mr. Glenn. You said you had been Governor of North Carolina, and you are now a, what?

MR. GLENN: A Temperance Lecturer.

THE CHAIRMAN (severely): My dear sir, this is no place for levity. Pray remember that you are dealing with a Commission, an International Commission, and reserve your ill-timed jests for a more suitable occasion.

MR. GLENN (earnestly): But I assure you, sir, I am a Temperance Lecturer, and a very busy one, too. (Exhibit E.)

THE CHAIRMAN: I think it will only waste our time to continue the examination of this witness. We are here to elicit facts, not absurd fictions. There have been Governors of North Carolina, and there have been Temperance Lecturers, but any man who tells us he has been both had better go before a Lunacy Commission. We might as well waste our time over Dr. Cook. You are excused, Baron Munchausen. Call the next witness.

C. A. MAGRATH called and sworn:

THE CHAIRMAN: You might take this witness, Mr. Marschalk. I feel a little exhausted,

ION

r of

have
enn.
aro-

this
you
onal
for

ou,
ery

ste
his
ard
rth
ec-
een
on.
ok.
he

it-
d,



A search party hunting for traces of the lost *Toolles*.

INTERNATIONAL "JOINTS" COMMISSION

and will just run around the corner with the ex-governor of North Carolina. He's not much of a witness, but maybe he has not forgotten the famous question.

MR. MARSCHALK: We will not tempt you, Mr. Magrath, to follow a bad example by asking your occupation. We will assume that you are neither an ex-Governor of North Carolina nor a Temperance Lecturer. Now, we have had a lot of very interesting testimony since this investigation was opened, but we seem to have wandered somewhat from the point. Let us return to our sausages, as we say in Prussia. Give us in your own words, as briefly as possible, the actual circumstances of the wreck of the *Tootles*, that is to say if there is any such vessel, and if she was actually wrecked.

MR. MAGRATH: I do not know that I can add anything to the testimony of the previous witnesses. I may be wrong, I may be entirely wrong, but it seems to me that the wreck of the *Tootles* was the direct result of criminal recklessness on the part of one of the passengers named Kluttz, a fellow-countryman of yours, I believe, however, I may be wrong. Now this man Kluttz is an exceedingly corpulent person, and would persist in rocking the boat. I am unable to say why he rocked the boat, but I have an idea that he got a certain kind of amusement out of the

INTERNATIONAL "JOINTS" COMMISSION

exercise. It kept his mind occupied, as it were. However, be that as it may, the effect on the pilot was disastrous. One could see him getting more and more nervous and excitable. He looked about constantly, and steered wildly. The *Tootles* swung first to the Canadian shore and then to the American. You might put it this way that, instead of following the proper channel she was diverted from her course. Under favourable circumstances it might have been merely "a temporary diversion" (I will not argue the point), but you will understand that the circumstances were not favourable, and so the diversion became "permanent." The case is curiously like that of the St. Mary and Milk Rivers, with which I am somewhat familiar. On the other hand, I cannot see any analogy between these diversions and the so-called temporary diversion of the St. Croix River. (Exhibit R.) There is a question in my mind—

MR. MARSCHALK: I do not wish to interrupt you, Mr. Magrath, but I do not quite get the drift of your remarks. Do I understand you to suggest that if the *Tootles* had been wrecked on the St. Mary or Milk Rivers it would have been a permanent diversion, but in the case of the St. Croix River it would have been only a temporary diversion?

MR. MAGRATH: O, no, you quite misunder-

INTERNATIONAL "JOINTS" COMMISSION

stand me. It is rather a technical point, and perhaps I can explain it more clearly on the map. (Map produced, and the witness went into informal conference with the Commissioners.)

THE CHAIRMAN: Mr. Marschalk, if you are finished with this witness, we will adjourn to 9 A. M. tomorrow.

O. GARDNER called and sworn.

THE CHAIRMAN: What is your first name, Mr. Gardner?

MR. GARDNER: Obediah, Your Honour.

THE CHAIRMAN: Ah, a minor prophet in the days of Nebuchadnezzar?

MR. GARDNER: Not on your life, an ex-Senator from Maine.

THE CHAIRMAN: Pretty much the same thing, isn't it? However, let that pass. What are you prepared to tell us as to the Rainy River plot?

MR. GARDNER: I deny it, Your Honour, I deny it. Never heard there was a plot, and if there was, my hands are clean. I was a perfectly innocent bystander. Spent a pleasant evening on the banks of the Rainy River with some friends. Never got within a hundred miles of the plotters. I can prove an alibi, double-riveted, warranted to stand any sort of rough usage. No, sir, you don't drag this old bird into

INTERNATIONAL "JOINTS" COMMISSION

any plot. I come from Maine. Try my frisky friend from Montreal.

THE CHAIRMAN: All in good time, Mr. Gardner, all in good time. Major MacInnes, I understand you have some questions to put to this witness, on behalf of the Rainy River Sanitary Survey.

MAJOR MACINNES: Yes, sir. (To witness): You are, I understand, Chairman of the Select Committee on the Pollution of International Waterways, are you not?

MR. GARDNER: Not quite, but you've made a pretty close guess at it. Let it go at that.

MAJOR MACINNES: Now, Mr. Gardner, there is a feature of this present investigation which has not as yet been touched upon; that is, the effect of the pollution of the Rainy River by chemical and other refuse upon the course of the boats. There seems good reason to suppose that the increased density of the water from these causes had not a little to do with the miscalculation of the pilot as to the exact moment when he should make his landing, and therefore contributed to the ultimate catastrophe. Now, sir, have you, as Chairman of the Committee I have just mentioned, made a bacteriological examination of these waters, including the bacteria count and the qualitative and quantitative estimation of *B. coli* in any given cubic centimeter

INTERNATIONAL "JOINTS" COMMISSION

of water, with an analysis of the character, origin and intermittency of pollution; and have you considered whether filtration or sterilization of the effluent would have had any, and if so what, effect upon the distribution or stratification thereof in the zone under consideration. Then there is the interesting phenomena——

MR. GARDNER. Oh, you go to Hell!

THE CHAIRMAN: I must insist, sir, that you unreservedly withdraw that unparliamentary expression.

MR. GARDNER: O, yes, I withdraw it. Tell him he needn't go. But he makes me awfully tired. (Exhibit H.)

THE CHAIRMAN: Major MacInnes, I fear nothing to the purpose is to be drawn from this witness. Let me congratulate you, however, upon the lucidity and erudition of your statement. I entirely agree with you, sir, in everything that you have said. You have put this very important point exactly as I should have stated it myself.

MR. STEENERSON: Call the witness Mignault.

MR. P. B. MIGNAULT sworn.

MR. STEENERSON: Now, sir, what have you to say as to your conduct in connection with the alleged wreck of the *Tootles*? I desire a plain, straightforward answer, with no equivocation. Bear in mind that you are under oath.

MR. MIGNAULT: I have no desire to equivo-

INTERNATIONAL "JOINTS" COMMISSION

cate, Mr. Steenerson; and I do not see why I should not give you straightforward answers, if you will be a little more explicit in your questions.

MR. STEENERSON: Now, sir, none of that. I'll not submit to any insolence. Remember that you are not here as a Royal Commissioner, but merely as a witness. Bear yourself more respectfully in this august tribunal. I may have a personal crow to pick with you, but—

MR. MIGNAULT: Oh, let bygones be bygones, Mr. Steenerson. Ask what you will of me, and I shall let you have the benefit of my mature experience at the Quebec Bar.

MR. STEENERSON: Never mind the Quebec Bar. What I want is light on certain circumstances of a very suspicious character in connection with the subject-matter of this investigation. I hold an affidavit in my hand, made by my learned and enterprising friend, Mr. Berkman, from which it appears that you did, on a certain day early in the month of September, conspire with certain parties unknown to procure the sending of a bogus message purporting to come from Mr. E. W. Backus, warning the *Tootles* not to attempt the Manitou Rapids. (Exhibit G.) Now, sir, what—

MR. BACKUS (interrupting): But, Mr. Steenerson, I sent—

MR. STEENERSON: I must really ask the

INTERNATIONAL "JOINTS" COMMISSION

protection of the Court. If one of its members is to take the examination of this important witness out of my hands, I shall not be responsible for the consequences. I expect to prove that this witness, aided and abetted by certain criminal associates in International Falls and elsewhere, did maliciously procure the sending of a false message to the captain of the *Tootles*, with the object of preventing that vessel from navigating the Manitou Rapids, and causing her to be wrecked on the rocky, inhospitable shore—I mean, the beautiful sand beaches—Oh, anyway, on the American side of the Rainy River. What was the ultimate object of this plot I am not yet prepared to prove, but I am informed by a reliable authority that this witness had a large interest in the *Tootles*, and had heavily insured the vessel shortly before her last disastrous voyage down the Rainy River. (Exhibit F.) Now, Your Honours, if—

MR. BACKUS: Permit me to say—

MR. STEENERSON: I appeal to the Chair, I appeal to the Chair!

THE CHAIRMAN: My colleague, Mr. Backus, has the floor.

MR. BACKUS: I hate to interrupt Mr. Steenerson, but I am afraid he would be taking up the time of the Commission to no real purpose. I sent the message he refers to, and, while I am

INTERNATIONAL "JOINTS" COMMISSION

sorry that it had such unlooked for results, I cannot altogether regret it, as it has brought me into association with so many congenial spirits in this investigation.

MR. STEENERSON: I have no other course, Your Honours, than to withdraw from the case. You will hear from me later on the floor of the House.

MR. TAWNEY recalled.

JUDGE STREETER: Mr. Tawney, the Lord's Day Alliance, which I have the honour to represent before this Honorable Tribunal, has been pained and surprised—well, perhaps not altogether surprised—to learn that you and some of your associates broke the solemnity of the Sabbath, not only by lewd and boisterous songs on the banks of the Rainy River, but that you were guilty of the enormity of playing the unspeakable game of Rum, early in the morning of the same holy day, upon a car attached to the Canadian Northern Railway train proceeding to the town of Baudette. I am loth to believe this of you, Brother Tawney. I had, during our long association together, conceived a peculiar affection for your rugged features. Give me your word that the incident did not take place, or at least that it has been grossly exaggerated, and I will call off the Alliance.

MR. TAWNEY: Judge Streeter, and gentlemen: Unaccustomed as I am to public speaking,



The Hon. Jim Tawney and the Hon. Paul Mignault visiting Chief Na-May-Pock
at his Suburban home.

INTERNATIONAL "JOINTS" COMMISSION

nevertheless I dare not let this auspicious occasion depart without enlarging for a moment upon the significance of this international episode. The work of promoting closer and more direct relations between the two great peoples on this continent who have the same language, come from the same race, have the same common fountain of law, the same traditions——

JUDGE STREETER: Yes, yes, Tawney, quite so, and the same sly fondness for Rum of one kind and another, I have no doubt. However, suppose we cry quits. You call off the speech and I'll call off the Lord's Day Alliance.

THE CHAIRMAN: Mr. Wyvell, the Commission will be glad to have the benefit of your experience in disentangling this difficult question which the two Governments have referred to it for examination and report.

MR. WYVELL: Mr. Chairman, I should very gladly and delightfully give you my views on the subject, but my hands are tied. I hold merely a watching brief for the Caviar Trust, and my instructions are to say nothing that might commit the Trust to anything.

MR. ZIPPEL: The Trust have a corner in caviar, isn't it?

MR. WYVELL: I regret to say that I am not at liberty to answer your question, Mr. Commissioner.

INTERNATIONAL "JOINTS" COMMISSION

MR. ZIPPEL: Ach, Gott! All the caviar they find today around Lake of the Woods won't fill a very big corner, anyhow.

THE CHAIRMAN: I do not think we have heard as yet from Mr. Rockwood.

MR. ROCKWOOD: Like my learned friend Mr. Wyvell, I hold a watching brief, for my clients, the I. W. W. So far as I have been able to gather from the testimony submitted and admitted, the lawlessness of the passengers of the *Tootles* was of such a character as to meet with the entire approval of my clients. That is all I have to say.

THE CHAIRMAN: Mr. Berkman, I understand you have decided to hand your statement as an eye-witness of the discreditable scenes on the banks of the Rainy River, to Mr. Steenerson, for submission to Congress?

MR. BERKMAN: Yes, Your Honour.

THE CHAIRMAN: It only remains, then, to thank the learned counsel for the eminently satisfactory way in which they have assisted the Commission in getting to the bottom of this complicated question. The Commission will consider the testimony in executive session, and in the meantime it is suggested that we adjourn to the Palace Hotel in Rainy River, where it is understood that the Consulting Engineers have arranged a little banquet.

INTERNATIONAL "JOINTS" COMMISSION

LIST OF EXHIBITS

(Originals filed in the Office of the International
"Joints" Commission.)

- A. Mr. Tawney's famous Gettysburg story.
- B. Expurgated text of some of the Songs heard around the Rainy River Camp Fire.
- C. Affidavit of Professor E. E. Prince as to the Physical and other Characteristics of the Seven Predatory Pike fed to the wrecked Commissioners at the Rainy River Camp.
- D. Baptismal Certificate of Mr. Tango-Hoopla.
- E. Clipping from the *Rainy River News*, containing account of Governor Glenn's special Temperance Lecture at Chicago, suggested by the sad conduct of certain of his Colleagues on the Banks of the Rainy.
- F. Certificate of Sale of 99 Shares of the Tootles Steamship Company to Paul B. Mignault; with copy of Insurance Policy taken on the *Tootles* the day before she was wrecked.
- G. Affidavit of C. E. Berkman as to the Mignault Plot.
- H. Fake War Despatch put in evidence by Senator Gardner, as proof of his Neutrality.
- I. Extracts from H. A. Powell's text-book on *B. Coli*.

INTERNATIONAL "JOINTS" COMMISSION

- J. Report of the Lake of the Woods Salvage Company on the hull of the S. S. *Tootles*.
- K. Affidavit of C. A. Magrath as to certain engineering and other problems connected with the proposed temporary diversion of the Rainy River.
- L. Extract from Hon. Hellfor Steenerson's work on "Sand Beaches."
- M. Report of Professor Arthur V. White on certain barnacles found under the wharf at Emo while awaiting the return of the shipwrecked Commissioners.
- N. Certified copy of Dominion Patent granted to Hezekiah Kennedy for his Improved Ineradicable High Water Mark.
- O. Nationalization Papers of Paul Marschalk as a hyphenated-American.
- P. Extracts from "Lichens I Have Met," by Dr. Adolph F. Meyer:
- Q. Joint Report of Messrs. Newell and Drake on the proposed Reclamation of certain Swamp Lands on the North Bank of the Rainy River above Manitou Rapids.
- R. Key to Vocabulary of Chief Na-May-Pock.
- S. Marked Copy of the *Warroad Echo* containing special article entitled, "International Solons Wrecked on the Rainy—Perilous Plight of

INTERNATIONAL "JOINTS" COMMISSION

Eminent Jurists—Echo Again Scores a Magnificent Scoup!"

- T. Copy of Verses by the Eminent Poet Whitehead Kluttz, beginning:

Seated on the shore,
With the music in mine ears
Of the Mystic Manitou,
I shed these bitter tears
For the *Tootles* and her crew
And our poor Commissioneers.
For still I hear them cry,
In an agony of fright,
"Oh, where-in-hell is White!"
They strain their anxious eyes,
And heave unnumbered sighs,
And shout, "It isn't right;
You are taking half the night!
Are you coming, damn it, White!"
But the echo still replies,
With an accent of surprise,
"Nevermore! Nevermore!"
etc., etc.

PRINTED BY
THE LEICHT PRESS
WINONA, MINN.



